

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAYSON RUSSELL, et al.,

Defendants.

CASE NO. CR05-0282C

ORDER

This matter comes before the Court on an unopposed motion by Defendant Jayson Russell to continue the trial currently scheduled for November 7, 2005 to December 19, 2005, and for a corresponding continuance of the pretrial motions deadline (Dkt No. 32).

The Court finds that, based on the stipulations and motions of the parties, failure to grant the requested continuance likely would result in a miscarriage of justice. The Court further finds that the interests of the public and the defendant in a speedy trial in this case are outweighed by the ends of justice.

Specifically, the Court finds that the parties are presently engaged in plea negotiations that could not be completed before the current pretrial motions deadline of October 13, 2005, and thus that under 18 U.S.C. § 3161(h)(8)(B)(iv), the parties will require additional time to prepare for trial.

The Court further finds that the government has not opposed Defendant Russell's request for a continuance, and that Defendant Lin has filed a notice of joinder in the motion (Dkt. No. 34).

ORDER – 1

1 The Court further finds that both defendants have filed speedy trial waivers of their rights under
2 the Sixth Amendment and the Speedy Trial Act, 18 U.S.C. §§ 3161 to 3174 (Dkt. Nos. 33, 36) .

3 IT IS THEREFORE ORDERED that the trial date be continued from November 7, 2005, to
4 December 19, 2005, and that the time between the date of this Order and the new trial date be excludable
5 time under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(i), and
6 3161(h)(8)(B)(ii).

7 IT IS FURTHER ORDERED that the last date for the filing of pretrial motions be extended to
8 November 23, 2005.

9 SO ORDERED this 21st day of October, 2005

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11 A handwritten signature in black ink, appearing to read "John C. Capron", is written over a horizontal line.

12 UNITED STATES DISTRICT JUDGE
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